IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4475 of 2007()

CRIME NO.192/07 OF PULPALLY POLICE STATION

: PETITIONERS/ACCUSED:

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1. RAJAN, AGED 37 YEARS,
   S/O. LATE AYYAPPAN, NELIMON (H), KALANADIKOLLY P.O
   PULPPALLY, S. BATHERY, WAYANAD.

2. MOHAN DAS, AGED 48 YEARS,
   KIZHAKAPUTHUPARAYIL HOUSE, PULPALLY P.O.,
   THAZHATHANGADI.

3. BHAMA MOHAN DAS, AGED 38 YEARS,
   W/O. MOHAN DAS, -DO- -DO-.

4. SARALA NARAYANAN, AGED 44 YEARS,
   W/O. NARAYANAN, NELLIMON HOUSE, -DO- -DO-.

5. SURESH KUMAR, AGED 32 YEARS,
   -DO- -DO-.

6. LAKSHMI, AGED 72 YEARS,
   -DO- -DO-.

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS: COMPLAINANT:

SUB INSPECTOR OF POLICE,
PULPALLY POLICE STATION, PULPALLY, WAYANAD,
REPRESENTED BY THE DIRECTOR OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4475 of 2007

Dated this the 25th day of July, 2007

ORDER

Second application for anticipatory bail. The petitioners are the husband and relatives of the husband of the defacto complainant. Earlier application for anticipatory bail was dismissed as per order dated 05.07.2007 in B.A.No.4056 of 2007 on the ground that no crime is registered. Subsequently on the basis of a complaint filed by the defacto complainant before the Magistrate and referred to the police by the learned Magistrate under Section 156(3) Cr.P.C, the present crime under Section 498 A I.P.C has been registered. The marriage took place in 2002. There are two children born in the wedlock. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that there is strain in the matrimony and consequently false and exaggerated allegations are raised against the petitioners by the defacto complainant.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances indicated briefly above that the petitioners can be granted anticipatory bail. In coming to this

conclusion, the fact that the victim is not shown to have suffered any bodily injury and the fact that the arrest and incarceration of the petitioners in custody is likely to mar the matrimonial tie beyond repair do weigh with me considerably. Appropriate conditions can of course be imposed.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 01.08.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 02.08.2007 and 03.08.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest

the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 01.08.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 01.08.07.

(R.BASANT, JUDGE)

rtr/-